

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 46 OF 2021

Nilesh Bhimrao Hiwrale,
Aged about 36 years,
Occupation – Service,
R/o Gram Pardi, Tahsil – Patur,
District Akola.

.... **PETITIONER**

VERSUS

State of Maharashtra,
through its Police Station Officer,
Police Station Barshitakli, Tq.
Barshitakli, District Akola.

.... **RESPONDENT**

Mr. S.K. Wankhede, Counsel for the petitioner,
Mr. S.S. Doifode, Addl.P.P. for the respondent/State.

CORAM : ROHIT B. DEO, J.

DATED : 15th JANUARY, 2021

ORAL JUDGMENT :

Rule. Heard finally by consent of the parties.

2. The petitioner is facing trial for offences punishable under Sections 354-A and 506 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act.

3. The petitioner is in custody since he failed to attend the trial and

came to be arrested in execution of non-bailable warrant.

4. The learned Sessions Judge rejected the application preferred by the petitioner for grant of bail.

5. In fairness to the learned Sessions Judge who issued the non-bailable warrant, I must record that from a legalistic perspective he did no wrong. The proceedings of the trial are delayed and indeed obstructed since the petitioner did not attend the dates of hearing diligently.

6. Having observed thus, it will have to be noted, that the petitioner is serving in the Army and resides at Nashik with his wife who is suffering from Thalassemia. In paragraphs 3 to 5, the petitioner has attempted to explain his absence in the trial. I need not make any definite observation on the veracity of the claim or then the justifiability of the explanation. In my view, a final opportunity can be granted to the petitioner to cooperate in expeditious disposal of the trial.

7. The petitioner shall be released on bail, subject to he furnishing personal bond of Rs.1,00,000/- and cash deposit of Rs.1,00,000/-.

Even a single default in appearance before the trial Court, unless the default is condoned by the trial Court, shall result in forfeiture of the cash security.

8. In case of default, which is not condoned by the trial Court, the prosecution shall be at liberty to seek cancellation of bail.

9. The trial Court shall conclude the trial expeditiously and in any event, within four months.

10. Rule is made absolute in the afore-stated terms.

JUDGE

adgokar